

REMARKS

Applicants appreciate the Examiner's thorough consideration provided the present application. Claims 1 and 3-47 are now present in the application. Claims 1, 3, 34 and 38 have been amended. Claims 1, 9, 17-20, 31, 34-37, 39 and 41 are independent. Reconsideration of this application, as amended, is respectfully requested.

Allowable Subject Matter

The Examiner has indicated that claims 9, 10, 13 [sic.,] 17-33, 35-37 and 39-46 are allowed and dependent claims 2, 5-8 and 12 [sic., 13] would be allowable if rewritten to include all of the limitations of the base claim and any intervening claims. Applicants greatly appreciate the indication of allowable subject matter by the Examiner.

By the present amendment, independent claim 1 has been amended to incorporate the subject matter of claim 2, as described hereinbelow.

Reasons For Entry Of Amendments

As discussed in greater detail hereinafter, Applicants respectfully submit that the rejections under 35 U.S.C. §§ 102 and 103 are improper and should immediately be withdrawn. Accordingly, the finality of the Final Office Action mailed on January 30, 2007 should be withdrawn.

In addition, as the Examiner will note, the amendments to claims 1 and 34 are simply made to respectively incorporate the subject matter of claims 2 and 38, and dependent claim 38 is amended to be redirected to allowed claim 35. Although claim 1 has also been amended to

remove the recitation “so that intervals between the axis coupling hole and the flux barrier are substantially uniform,” this recitation was not presented in original claim 1 and was added in the last Amendment of December 7, 2006. Therefore, the amended claim 1 was previously presented and considered by the Examiner.

Accordingly, it is believed that no new issue is raised. In accordance with the requirements of 37 C.F.R. §1.116, Applicants respectfully request entry and consideration of the foregoing amendments.

Claim Rejections Under 35 U.S.C. §§ 102 & 103

Claims 1, 3, 4, 11, 12, 15 and 16 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Fong, GB-1206112. Claim 14, 34, 38 and 47 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Fong. These rejections are respectfully traversed.

Complete discussions of the Examiner’s rejections are set forth in the Office Action, and are not being repeated here.

In light of the foregoing amendments, Applicants respectfully submit that these rejections have been obviated and/or rendered moot. Without conceding to the propriety of the Examiner’s rejections, but merely to timely advance the prosecution of the application, as the Examiner will note, independent claims 1 and 34 have been amended to respectively incorporate the subject matter of claims 2 and 38.

Claim 1

In particular, independent claim 1 recites “the flux barriers detour around the axis coupling hole in a circular arc shape” originally recited in claim 2, which was indicated by the Examiner as including allowable subject matter. Accordingly, it is believed that claim 1 and its dependent claims 3, 4, 11, 12 and 14-16 are in condition for allowance.

Claim 34

Independent claim 34 recites “a width of the outer circumferences of the bars disposed in the vertical direction to the alignment direction of the flux barriers is larger than that of the outer circumferences of the bars disposed in the alignment direction of the flux barriers.” Applicants respectfully submit that the above combination of elements set forth in amended claim 34 is not disclosed or suggested by the reference relied on by the Examiner.

The Examiner has correctly acknowledged that Fong fails to teach “a width of the outer circumferences of the bars disposed in the vertical direction to the alignment direction of the flux barriers is larger than that of the outer circumferences of the bars disposed in the alignment direction of the flux barriers” as recited in claim 38 (now incorporated in claim 34.) However, the Examiner on page 4, lines 11-15 of the outstanding Office Action alleged “those skilled in the art would understand that configuring a width of the outer circumferences of the bars disposed in the vertical direction to the alignment direction of the flux barriers to be larger than that of the outer circumferences of the bars disposed in the alignment direction of the flux barriers would be determined based on the width of the conductors and the size of the rotor for enhancing the flux flow” (emphasis added). The Examiner on page 4, lines 21-24 of the

outstanding Office Action also alleged that this configuration is simply a change in size or shape. Applicants respectfully disagree.

In particular, the claimed configuration is not just a change in size or shape. MPEP §2144.04 IV states:

A. Change in Size/Proportion

... In *Gardner v. TEC Systems, Inc.*, 725 F.2d 1338, 220 USPQ 777 (Fed. Cir. 1984), cert. denied, 469 U.S. 830, 225 USPQ 232 (1984), the Federal Circuit held that, where the only difference between the prior art and the claims was a recitation of relative dimensions of the claimed device and *a device having the claimed relative dimensions would not perform differently than the prior art device*, the claimed device was not patentably distinct from the prior art device.

B. Change in Shape

In re Dailey, 357 F.2d 669, 149 USPQ 47 (CCPA 1966) (The court held that the configuration of the claimed disposable plastic nursing container was a matter of choice which a person of ordinary skill in the art would have found obvious *absent persuasive evidence that the particular configuration of the claimed container was significant.*) (Emphasis added).

Here, as embodied in FIG. 2B of the present application, the width (i) of the outer circumferences of the bars 24 in the third and fourth areas is larger than the width (h) of the outer circumferences of the bars 24 in the first and second areas. The specification on page 12, lines 2-5 also states:

Accordingly, the flux easily flows around the bars 24 in the first and second areas, and *less flows around the bars 24 in the third and fourth areas*. As a result, the bars 24 in the third and fourth areas perform the same function as the flux barriers 25. (Emphasis added).

Therefore, by making the width (i) of the outer circumferences of the bars 24 in the third and fourth areas larger than the width (h) of the outer circumferences of the bars 24 in the first and second areas, the flux will flow through the first and second areas more than the third and fourth

areas because the bars 24 in the third and fourth areas perform the same function as the flux barriers 25. Therefore, the claimed configuration can significantly reduce the flux flowing through the third and fourth areas because the wider bars 24 in the third and fourth areas operate as flux barriers. In other words, the device with the claimed configuration performs significantly differently (and better) than Fong's device, not just a change in size or shape as the Examiner alleged.

In addition, the claimed configuration is NOT determined based on the width of the conductors and the size of the rotor as the Examiner alleged. Although the size of the rotor may affect the absolute dimension of the bars along the circumference of the rotor, it does not determine the relative dimension of the bars in the alignment direction and the vertical direction to the alignment direction. For example, when the size of the rotor increases, the widths of the bars in the alignment direction and the vertical direction to the alignment direction may increase. However, the widths of the bars in both directions may still be the same as Fong discloses even if the widths of the bars in both directions increase.

Since Fong fails to teach each and every limitation of amended independent claim 34, and the claimed device as recited in amended independent claim 34 performs significantly differently than Fong, Applicants respectfully submit that amended independent claim 34 clearly defines over the teachings of Fong.

In addition, claim 47 depends from amended independent claim 34, and is therefore allowable based on its dependence from independent claim 34, which is believed to be allowable.

In view of the above remarks, Applicants respectfully submit that claims 1, 3, 4, 11, 12, 14-16, 34 and 47 clearly define the present invention over the references relied on by the

Examiner. Accordingly, reconsideration and withdrawal of the rejections under 35 U.S.C. §§ 102 and 103 are respectfully requested.

CONCLUSION

All the stated grounds of rejection have been properly traversed and/or rendered moot. Applicants therefore respectfully request that the Examiner reconsider all presently pending rejections and that they be withdrawn.

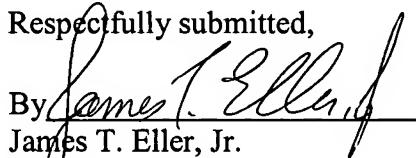
It is believed that a full and complete response has been made to the Office Action, and that as such, the Examiner is respectfully requested to send the application to Issue.

In the event there are any matters remaining in this application, the Examiner is invited to contact the undersigned at (703) 205-8000 in the Washington, D.C. area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§1.16 or 1.17; particularly, extension of time fees.

Dated: May 30, 2007

Respectfully submitted,

By 
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